

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

|                               |   |                        |
|-------------------------------|---|------------------------|
| <b>SUZANNE ELIAS, et al.,</b> | ) |                        |
| <b>Plaintiffs,</b>            | ) |                        |
|                               | ) |                        |
| <b>v.</b>                     | ) | <b>No. 3:09-CV-486</b> |
|                               | ) | <b>(Phillips)</b>      |
| <b>LLOYD FORD, et al.,</b>    | ) |                        |
| <b>Defendants.</b>            | ) |                        |

**MEMORANDUM AND ORDER**

The defendants in this case have filed motions to dismiss and/or for summary judgment. Plaintiff has not responded to any of the motions within the time required by LR 7.1. By order entered February 18, 2011, the plaintiff was ordered to show cause in writing on or before March 11, 2011, why the defendants' motions should not be granted and this case dismissed.

On March 4, 2011, plaintiff responded to the court's show cause order stating that she has been incarcerated at the Sevier County Jail, and that she has been unable to prepare an adequate response to the pending motions. Plaintiff requests an enlargement of time to file her responses [Doc. 56]. Defendants oppose any extension of time for plaintiff to respond to their pending motions [Docs. 57, 58, 61, 62].

The court notes that plaintiff does not disclose when she was incarcerated in the Sevier County Jail, or how long her incarceration will continue. Nevertheless, the court finds that plaintiff has shown good cause for her failure to respond to the pending motions. Accordingly, the court finds that this case shall be **STAYED** for a period of 45 days. Plaintiff is **ORDERED** to either respond to the pending motions or explain why she is unable to do so no later than **May 12, 2011**. Plaintiff is advised that failure to comply with the court's order will be deemed a waiver of any opposition to the relief sought in defendants' motions, pursuant LR 7.2, and could result in dismissal of the case.

Plaintiff requests the appointment of counsel to represent her in this case. In support of the motion, plaintiff states that she has diligently sought counsel for representation in this case, but she has not been able to find counsel to represent her.

The appointment of counsel in a civil proceeding is justified only by exceptional circumstances, which are absent in this case. *See Heard v. Caruso*, 351 Fed. Appx. 1, 2009 WL 2628293 (6<sup>th</sup> Cir. Aug. 27, 2009); quoting *Lavado v. Keohane*, 992 F.2d 601, 606 (6<sup>th</sup> Cir. 1993). Accordingly, plaintiff's motion for appointment of counsel [Doc. 56] is **DENIED**.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge